

ITEM: 9

SUBJECT: Orders Adopting Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands

BOARD ACTION *Consideration of Adoption of Conditional Waivers*

BACKGROUND On 11 July 2003, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) adopted Resolution No. R5-2003-0105, *Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands Within the Central Valley Region* (2003 Conditional Waivers) and associated Monitoring and Reporting Programs (MRPs). In August 2003, agricultural and environmental interests submitted petitions to the State Water Resources Control Board (State Water Board) regarding the 2003 Conditional Waivers and MRPs. On 22 January 2004, the State Water Board adopted Order WQO 2004-0003, which upheld the 2003 Conditional Waivers and MRPs with minor revisions. In November 2005, the Central Valley Water Board extended the expiration date of the 2003 Conditional Waivers to 30 June 2006.

Outreach efforts to renew the 2003 Conditional Waivers initially began in April 2005 by holding meetings and public workshops and participating in site tours to obtain feedback on how the Program has worked and what modifications should be considered. Staff evaluated this feedback; the analytical results from the Phase I and II UC Davis sampling and the monitoring conducted by Coalition Groups and Water Districts; the Irrigated Lands Programs in other Regions; and the State Water Board's NonPoint Source Policy in an effort to improve the 2003 Conditional Waivers and MRPs. Following the November 2005 Board Meeting the Technical Issues Committee (TIC) and its focus groups continued to meet to receive feedback on proposed changes. Based on the need for continued work by the TIC and its focus groups, MRPs are not currently proposed for Board consideration. The Policy Working Group (PWG) was formed in January 2006 to conduct facilitated, collaborative discussions to attempt to reach agreement, or at least an understanding, amongst stakeholders on conditional waiver requirements. The PWG worked on two main issues, Coalition Group membership lists and the definition of who is a discharger.

On 19 April 2006, staff circulated tentative documents consisting of the Coalition Group and Individual Discharger Orders, which both included Attachments A and B, for a 30-day public comment period. These tentative documents include many of the same changes as were proposed at the November 2005 Board Meeting, such as California Water Code Changes since 2003 and the adoption of the fee schedule. The tentative documents also included the language proposed by the PWG. Based on the comments received on the tentative documents, staff proposed additional revisions to the tentative documents that are presented for the Board's consideration of adoption.

Mgmt. Review\_\_\_\_\_

Legal Review\_\_\_\_\_

22 June 2006  
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